

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**RITA and PAM JERNIGAN and BECCA
and TARA AUSTIN**

PLAINTIFFS

v.

NO. 4:13-CV-410 KGB

**LARRY CRANE, In His Official Capacity As
Circuit And County Clerk For Pulaski
County, Arkansas And His Successors In
Interest; RICHARD WEISS, In His Official
Capacity As Director of the Arkansas
Department of Finance and Administration
And His Successors in Interest; GEORGE
HOPKINS, In His Official Capacity as
Executive Director of the Arkansas Teacher
Retirement System And His Successors In
Interest; and DUSTIN MCDANIEL, In His
Official Capacity As Attorney General For
The State Of Arkansas and His Successors in
Interest**

DEFENDANTS

**SEPARATE DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Come Separate Defendants, Richard Weiss, George Hopkins, and Dustin McDaniel, and their respective Successors in Interest, all in their official capacities, by and through their Counsel, and for their Response to Plaintiffs' Motion for Summary Judgment, state the following:

1. On January 31, 2014, Separate Defendants filed their Motion to Dismiss. [DE 17 and 18].
2. Said motion has not been ruled upon, and Plaintiffs' Motion for Summary Judgment should be denied as premature.

3. Plaintiffs are now moving for summary judgment, claiming that Amendment 83 to the Constitution of Arkansas and Arkansas Act 144 of 1997 violate the Due Process and Equal Protection Clauses to the United States Constitution.

4. Plaintiffs' challenges to Amendment 83 and Act 144 of 1997 fail under binding precedent of the United States Supreme Court and U.S. Court of Appeals for the Eighth Circuit.

5. For the reasons discussed more thoroughly in the supporting brief filed contemporaneously herewith, Plaintiffs' Motion for Summary Judgment should be denied.

WHEREFORE, the State prays that Plaintiffs' Motion for Summary Judgment be denied, and for all other just and appropriate relief.

Respectfully Submitted,

RICHARD WEISS, In His Official Capacity
And His Successors in Interest; GEORGE
HOPKINS, In His Official Capacity And
His Successors In Interest; and DUSTIN
MCDANIEL, In His Official Capacity and
His Successors in Interest

By: /s/ Nga Mahfouz
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*Attorney for Director Richard Weiss and
Executive Director George Hopkins*

CERTIFICATE OF SERVICE

I, Nga Mahfouz, Assistant Attorney General, do hereby certify that on July 30, 2014, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF system.

/s/ Nga Mahfouz
Nga Mahfouz AR Bar No. 96149